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CASE NO. _____

1. Plaintiff commenced this civil action in the Circuit Court for Etowah County, Alabama, on September 20, 2017. A true and correct copy of all process and pleadings filed in the State Court Action as reflected on Alacourt are attached

hereto as Exhibit “A”.

2. The United States District Court for the Northern District of Alabama, Middle Division, is the federal judicial district embracing the Circuit Court of Etowah County, Alabama, where this suit was originally filed. Venue is therefore proper under 28 U.S.C. § 81(a)(6) and § 1441(a).

3. This action against Defendant could have been originally filed in this Court pursuant to 29 U.S.C. § 1132 in that Plaintiff seeks to recover ERISA benefits under an employer-sponsored plan sponsored by Akzo Nobel Services, Inc., (the “Plan”) and for conduct related to the denial of long-term disability (“LTD”) benefits allegedly due to him under such Plan. LINA insured and administered claims under the Plan during the relevant time period. While employed at Akzo, Plaintiff was a participant in the Plan.

4. Plaintiff alleges in his Complaint that he “has long term disability protection by an insurance contract with Life Insurance Company of North America through his employment with AKZO Nobel which pays benefits if he becomes disabled.” Complaint (“Compl.”) at ¶ 1. Plaintiff further alleges, *inter alia*, that he is disabled and entitled to long term disability benefits which were terminated on August 8, 2017. *Id.* at ¶¶ 2 & 7. Plaintiff then expressly states an ERISA benefit claim pursuant to 29 U.S.C. § 1132. *Id.* at ¶ 10.

5. The District Courts of the United States are given original jurisdiction

over civil actions under ERISA pursuant to 28 U.S.C. § 1331 without respect to the amount in controversy or the citizenship of the parties. Therefore, this action may be removed to the United States District Court for the Northern District of Alabama, Middle Division, pursuant to the provisions of 28 U.S.C. § 1441(a).

6. A copy of this Notice of Removal is being filed with the Clerk of the Circuit Court of Etowah County, Alabama, as provided by law, and written notice is being sent to Plaintiff's counsel.

7. LINA has not sought similar relief.

8. The prerequisites for removal under 28 U.S.C. § 1441 have been met.

9. The allegations of this Notice are true and correct and within the jurisdiction of the United States District Court for the Northern District of Alabama, and this cause is removable to the United States District Court for the Northern District of Alabama.

10. Should any question arise as to the propriety of the removal of this action, LINA respectfully requests the opportunity to submit a brief and present oral argument in support of its position that this cause is removable. *Sierminski v. Transouth Fin. Corp.*, 216 F.3d 945, 949 (11th Cir. 2000).

WHEREFORE, PREMISES CONSIDERED, Defendant Life Insurance Company of North America, desiring to remove this civil action to the United States District Court for the Northern District of Alabama, Middle Division, the

district and division encompassing the county in which such civil action is pending, prays that the filing of this Notice of Removal, the giving of written notice thereof to Plaintiff, and the filing of a copy of this Notice of Removal with the Clerk of the Circuit Court of Etowah County, Alabama, shall effect the removal of said civil action to this Honorable Court.

Respectfully submitted,

s/ Grace R. Murphy

William B. Wahlheim, Jr.

Grace Robinson Murphy

Grace J. Posey

*Attorneys for Defendant Life Insurance
Company of North America*

OF COUNSEL:

MAYNARD, COOPER & GALE, P.C.

1901 Sixth Avenue North

Suite 2400, Regions/Harbert Plaza

Birmingham, Alabama 35203-2618

T: (205) 254-1000

F: (205) 254-1999

wwahlheim@maynardcooper.com

gmurphy@maynardcooper.com

gposey@maynardcooper.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served upon the following listed persons by placing a copy of the same in the United States mail, postage prepaid and properly addressed, this the 23rd day of October, 2017:

Myron K. Allenstein
Rose Marie Allenstein
Allenstein & Allenstein, LLC
141 South 9th Street
Gadsden, AL 35901

s/ Grace R. Murphy
OF COUNSEL